

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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THELMA GRAY, )  
                  )  
Plaintiff,     )  
                  )  
v.              )     No. 23-cv-02100-TMP  
                  )  
MEMPHIS SHELBY COUNTY )  
EDUCATION ASSOCIATION, )  
                  )  
Defendant.     )

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ORDER DENYING MOTION FOR UNITED STATES DISTRICT JUDGE JOHN T.  
FOWLKES TO RETURN TO THE CASE

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Before the court is Plaintiff Thelma Gray's Motion for United States District Court Judge John T. Fowlkes to Return to the Case. (ECF No. 34.) For the reasons below, the undersigned DENIES the motion.

Proceeding pro se, Gray filed a lawsuit against the Memphis Shelby County Education Association ("MSCEA") on February 24, 2023. (ECF No. 1.) On May 30, 2023, the parties consented to the jurisdiction of the undersigned, and District Judge John T. Fowlkes, Jr. entered the consent order on June 5, 2023. (ECF No. 24.) On September 6, 2023, Gray filed the present motion for Judge Fowlkes to return to the case, citing allegedly unethical conduct by counsel for MSCEA. (ECF No. 34.) Gray submitted a document

detailing her "evidence" for the supposed unethical conduct by opposing counsel. (ECF No. 39.)

The Magistrates Act of 1968 provides that, "[t]he court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge under this subsection." Jones v. Ridder, No. 1:19-cv-599, 2021 WL 5217744, at \*2 (S.D. Ohio May 10, 2021) (quoting 28 U.S.C. § 636(c)(4)). Gray alleges that counsel for MSCEA engaged in dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c) of the Model Rules of Professional Conduct. However, none of the allegations Gray makes constitutes unethical conduct, and there is no evidence that counsel has engaged in any conduct that is in violation of his ethical obligations.

Therefore, because Gray offers no other reason for withdrawing her consent to the jurisdiction of the undersigned, her motion is DENIED.

IT IS SO ORDERED.

s/ Tu M. Pham

TU M. PHAM

Chief United States Magistrate Judge

September 26, 2023

Date